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In re Application of  
TARAN, Alexander Ivanovich  
Application No.: 09/830,635  
PCT No.: PCT/RU99/00062  
Int. Filing Date: 04 March 1999  
Priority Date: 08 December 1998  
Attorney's Docket No.: VALER11.001APC  
For: CONTACT NODE

**DECISION ON PETITION  
TO WITHDRAW HOLDING  
OF ABANDONMENT**

The decision is in response to the documents filed via facsimile on 30 July 2002 which have been treated as a petition to withdraw holding of abandonment. No fee is required.

**BACKGROUND**

On 01 June 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) and Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(e) must be provided. A two-month time period for response was set.

On 02 August 2001, applicants purportedly filed a response which contained an executed declaration and a check for the \$65.00 surcharge fee.

On 08 July 2002, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 within the time period set.

On 30 July 2002, applicants filed the instant petition which was accompanied by, *inter alia*, copies of the documents purportedly filed 02 August 2001 and a stamped postcard receipt for the 02 August 2001 documents.

**DISCUSSION**

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is

requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicant has provided a copy of the date-stamped filing receipt for documents submitted 02 August 2001. The filing receipt records that a "Decl. and Power of Attorney and \$65.00 check" were received in the USPTO. The filing receipt is stamped "OIPE AUG 02 2001" across its face. The U.S. application number, attorney docket number and name of the applicant are all listed on the postcard receipt. Moreover, a review of USPTO financial records reveal that the \$65.00 check for the surcharge fee was received on 02 August 2001.

Accordingly, applicants have provided *prima facie* evidence that the declaration was received by the USPTO on 02 August 2001.

#### **DECISION**


For the reasons above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 08 July 2002 is hereby **VACATED**.

A review of the declaration reveals that it complies with the requirements of 37 CFR 1.497(a) and (b).

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 March 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **02 August 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

  
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